

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAR - 4 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Revision of the Commission's Rules)
to ensure compatibility with)
enhanced 911 emergency calling systems)

CC Docket No. 94-102
RM-8143

To: The Commission

DOCKET FILE COPY ORIGINAL

ADDITIONAL COMMENTS OF NEXTEL COMMUNICATIONS, INC.
ON CONSENSUS AGREEMENT BETWEEN WIRELESS INDUSTRY AND
PUBLIC SAFETY GROUPS

NEXTEL COMMUNICATIONS, INC.

Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

Dated: March 4, 1996

No. of Copies rec'd
List ABCDE

CL4

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

MAR - 4 1996

FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
to ensure compatibility with) RM-8143
enhanced 911 emergency calling systems)

To: The Commission

**ADDITIONAL COMMENTS OF NEXTEL COMMUNICATIONS, INC.
ON CONSENSUS AGREEMENT BETWEEN WIRELESS INDUSTRY AND
PUBLIC SAFETY GROUPS**

I. INTRODUCTION

Pursuant to Public Notice of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits these Additional Comments ("Comments") on the "Public Safety-Wireless Industry Consensus: Wireless Compatibility Issues" ("Consensus Agreement") in the above-referenced proceeding.^{1/}

On February 13, 1996, the Cellular Telecommunications Industry Association ("CTIA"), the National Emergency Number Association ("NENA"), the Association of Public-Safety Officials ("APCO"), and the National Association of State Nine One One Administrators ("NASNA") jointly filed the Consensus Agreement in an effort to resolve the enhanced 911 ("E911") issues on which these parties did not agree in comments and reply comments filed last year in this

^{1/} Public Notice, "Commission Seeks Additional Comment In Wireless Enhanced 911 Rulemaking Proceeding Regarding 'Consensus Agreement' Between Wireless Industry Representatives And Public Safety Entities," DA 96-198, released February 16, 1996.

docket.^{2/} Because all of the parties generally supported the Commission's goal of providing effective E911 services on wireless networks, the Consensus Agreement focuses on the technical aspects as well as the timing of wireless E911 implementation.

II. BACKGROUND

Approximately 70 parties have filed comments and/or reply comments on the Commission's original wireless E911 proposal.^{3/} The commenters, while voicing general support for the Commission's proposals, expressed divergent views concerning the actual implementation of E911 services by Commercial Mobile Radio Service ("CMRS") providers -- how it will be accomplished and when it can be completed. Parties responsible for the actual implementation of the E911 services generally agreed that the Commission's implementation time frames were unrealistic and could not be achieved.

As the largest provider of traditional and wide-area SMR services in the Nation, Nextel focused its comments not only on the implementation of E911 obligations for wireless carriers generally, but also on the impact of E911 obligations on traditional, analog interconnected SMR services. These SMR systems are typically

^{2/} Nextel, a member of CTIA, has been a participant in this proceeding, but did not actively participate in forming CTIA's position or in reaching the Consensus Agreement with NENA, APCO and NASNA. Nextel's Comments herein focus on the unique aspects of its GSM-based digital wide-area Specialized Mobile Radio ("SMR") system, particularly in comparison to existing analog cellular systems.

^{3/} Notice of Proposed Rule Making, FCC 94-237, released October 19, 1994 ("NPRM").

limited to dispatch services and do not offer the "telephone type" services that customers expect to provide E911 capabilities.^{4/} Therefore, Nextel reiterates that analog SMR systems, regardless of whether they are regulated as CMRS or Private Mobile Radio Service ("PMRS"), should be exempt from these requirements.^{5/}

The Consensus Agreement attempts to balance the need for wireless E911 capabilities with the technical complexities and limitations faced by wireless carriers as they attempt to implement effective E911 services on their systems. In striking that balance, the Consensus Agreement promotes speedy implementation of the provision of cell site information and Automatic Number Identification ("ANI"); the elimination of the Commission's proposed "Phase II" requirements -- which the industry asserts would not provide a bridge to the full provision of wireless E911; a five-year period for carriers to develop the capability of locating wireless callers within 125 meters Root Mean Square, and provide the exact latitude and longitude of wireless callers; and the imposition of a consumer fee to fund these E911 system changes.

^{4/} Under the Omnibus Budget Reconciliation Act of 1993 and the Commission's order implementing the legislation, all interconnected SMR services were reclassified as CMRS. Nonetheless, not all SMR services provide the types of services intended to be encompassed within the E911 obligations. See Omnibus Budget Reconciliation Act of 1993, Pub. L. No. 103-66, Title VI Section 6002(b), 107 Stat. 312, 392 (1993); Second Report and Order, 9 FCC Rcd 1411 (1994).

^{5/} It should also be noted that cellular carriers, who are assigned 25 MHz of contiguous spectrum, enjoy a significant spectrum advantage over SMR operators. Wide-area SMRs are assigned a maximum of 10 MHz of non-contiguous spectrum on a geographic-area basis while traditional analog SMRs generally operate on only five to ten non-contiguous channels (approximately 1 MHz of spectrum).

Nextel applauds the efforts of these industry groups and believes they have made significant strides toward finding common ground among their divergent positions. Therefore, while supportive of the Consensus Agreement, Nextel files these Comments to express its particular applicability to Nextel's system, which employs Motorola's iDEN technology and GSM-based switching technologies, each of which is significantly different from those technologies employed on most analog cellular systems.

III. DISCUSSION

A. Automatic Number Identification/Automatic Location Information

1. Phase I

The Consensus Agreement replaces the Commission's originally-proposed three-phase implementation process with a two-phase implementation process. During Phase I, wireless carriers would be required to provide to the Public Safety Answering Point ("PSAP") cell site information and the ANI of the caller -- permitting PSAP call-back -- using a 7 or 10-digit pseudo-ANI (for the cell site location) and a 7 or 10-digit caller ANI. Nextel agrees that it is in the public interest to impose this obligation on wireless carriers within 18 months of the effective date of the rules. Eighteen months -- rather than the 12 months proposed by NENA, APCO and NASNA -- is necessary to ensure that local exchange carriers ("LECs") and wireless carriers establish compatible protocols for purposes of E911 information transmission.

Nextel's digital wide-area system can achieve the Phase I requirements within 18 months. However, the Commission must ensure

that LECs select a signally and dialing protocol for transmission of E911 that is supported by the wireless carrier's switching infrastructure. For example, Nextel has experienced a situation where the LEC's intended signalling protocol and dialing sequence for E911 could not be supported by Nextel's GSM-based switching technology.^{6/} Therefore, if the Commission intends to impose the Consensus Agreement's Phase I requirement on wireless carriers, it must ensure that there are compatible E911 protocols between the LECs and interconnecting wireless service providers. Nextel suggests that the Commission require all LECs to coordinate with their interconnecting CMRS providers to ensure compatible E911 protocols.^{7/}

2. Phase II

Nextel supports eliminating the Commission's proposed Phase II requirements, and substituting the Consensus Agreement's proposed Phase II obligations. Nextel agrees that providing the location of a wireless caller in terms of latitude and longitude, within 125 meters Root Mean Square, is in the public interest. Five years appears to be a reasonable time frame for implementation, given the fact that the technology to achieve such location reliability

^{6/} This matter is currently being resolved through negotiations between Nextel and the involved LEC. The LEC has agreed to make the necessary network changes since other wireless carriers also are unable to support the LEC's initial selection of signalling protocol and dialing sequence.

^{7/} Resolving such matters will facilitate a smooth transition to E911 implementation. An 18-month initiation requirement will better achieve this result and thereby offer the public better E911 CMRS capability.

remains to be defined. At this stage of the process, however, Nextel is not aware of any particular obstacles or cost constraints for its iDEN technology as compared to other wireless technologies.^{8/}

To ensure that Phase II is implemented in the most effective and efficient manner, the Commission should require that the industry develop compatible protocols for meeting the Phase II standards. These protocols, moreover, must be developed on an industry-wide basis, including input from all industry segments. Without taking into account the various technologies and system designs being employed by CMRS carriers, E911 cannot be successfully implemented throughout the entire industry.^{9/}

B. The Scope Of The Commission's E911 Rules

As Nextel expressed in its Comments and Reply Comments filed last year, the Commission must limit the application of E911 obligations to those services from which consumers have come to expect 911 service.^{10/} For instance, Nextel offers both interconnected (cellular-like mobile telephone) and non-interconnected services (dispatch). For those Nextel customers who choose only dispatch service, there should be no obligation to

^{8/} Because Nextel was not included in the process of negotiating the Consensus Agreement, it needs more information to fully analyze technology options for achieving Phase II.

^{9/} See Comments of Nextel, filed January 9, 1995, at p. 6 ("technology upgrades and systems integration need for E911 user locations . . . will require significant input from all segments of the industry.").

^{10/} Comments of Nextel, filed January 9, 1995, at p. 3; Reply Comments of Nextel, filed March 17, 1995, at p. 2.

provide 911 access. Dispatch services are private systems, which are not traditionally consumer-oriented services and are not the type of mobile communications service that users would expect to provide access to 911.

Because they do not typically use the Public Switched Telephone Network, traditional SMR operations, including Nextel's analog SMR systems, should not be subject to the Consensus Agreement's obligations.^{11/} In fact, by definition, the Consensus Agreement excludes traditional SMR systems by defining the E911 obligations in terms of "cell" location. A traditional SMR system does not operate on "cells;" rather, the system is designed around a single high-power tower, with all mobile users operating on that singular tower. The technology to accurately locate callers on the SMR system would be prohibitively expensive, most likely pricing traditional SMR operators -- the overwhelming majority of which are small businesses -- out of the market.

C. Consumer Education

Nextel supports the proposal in the Consensus Agreement to replace the Commission's proposed labeling requirement with a consumer education program. Nextel would work with other wireless providers and the public safety industry to develop appropriate methods and language for the consumer education process. This

^{11/} The fact that traditional SMR systems can and frequently do offer limited interconnect capability does not change the basic character of the service nor militate the cost and technology obstacles to achieving E911 functionalities. Such interconnected systems can, however, and typically do provide 911 access for mobile users selecting the interconnect capability.

proposal would provide much more effective and useful information to a wireless user. A label, for example, would require so much explanation on the limited availability of wireless 911 that any properly-drafted label would be far too voluminous to fit on a mobile unit handset. Consumer education, through bill inserts, provisions in the user's manual, a provision in the service contract, or some other device agreed to by the industry, is far more practical, and can be accomplished at a much lower cost.

IV. CONCLUSION

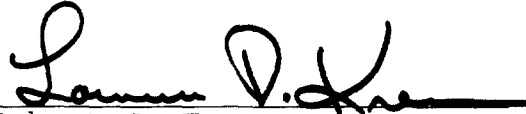
The Consensus Agreement proposed by CTIA, NENA, APCO, and NASNA makes significant strides toward the creation of a workable wireless E911 implementation plan. Nextel supports the proposals contained therein, except to the extent that they would be applied to analog SMR systems -- whether interconnected (CMRS) or non-interconnected.

Nextel can achieve both phases of the proposed E911 implementation, assuming there is compatibility among the E911 protocols employed by the LECs and interconnected wireless carriers. The Commission should ensure this compatibility through a requirement that the industry mutually agree on protocols to be employed for achieving both Phase I and Phase II of the Consensus Agreement. Although Nextel currently believes that it can achieve

the requirements of Phase II within the proposed five-year time frame, it requires more information regarding this matter.

Respectfully submitted,

NEXTEL COMMUNICATIONS, INC.

A handwritten signature in black ink, appearing to read "Robert S. Foosaner", written over a horizontal line.

Robert S. Foosaner
Senior Vice President -
Government Affairs

Lawrence R. Krevor
Director - Government Affairs

Laura L. Holloway
General Attorney

Nextel Communications, Inc.
800 Connecticut Avenue, N.W.
Suite 1001
Washington, D.C. 20006
202-296-8111

Dated: March 4, 1996

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 4th day of March 1996, I caused a copy of the attached Additional Comments of Nextel Communications, Inc. to be served by hand delivery or first-class mail, postage prepaid to the following:

Chairman Reed E. Hundt
Federal Communications Commission
Suite 814
1919 M Street, NW
Washington, D.C. 20554

Commissioner James H. Quello
Federal Communications Commission
Suite 802
1919 M Street, NW
Washington, D.C. 20554

Commissioner Andrew C. Barrett
Federal Communications Commission
Suite 826
1919 M Street, NW
Washington, D.C. 20554

Commissioner Rachelle B. Chong
Federal Communications Commission
Suite 844
1919 M Street, NW
Washington, D.C. 20554

Commissioner Susan Ness
Federal Communications Commission
Suite 832
1919 M Street, NW
Washington, D.C. 20554

Won Kim
Wireless Telecommunications Bureau
Policy Division
Federal Communications Commission
Room 5202
2025 M Street, NW
Washington, D.C. 20554

James S. Blaszak
Ellen G. Block
Levine, Balszak, Block & Boothby
Suite 500
1300 Connecticut Avenue, NW
Washington, D.C. 20036

Jim Conran
Ad Hoc Alliance for Public
Access to 911
P.O. Box 2346
Orinda, CA 94563

Glenn S. Rabin
ALLTEL Mobile Communications
Suite 220
655 15th Street, NW
Washington, D.C. 20005

Elizabeth R. Sachs
Lukas, McGowan, Nace & Gutierrez
Suite 1200
1111 19th Street, NW
Washington, D.C. 20036

Frank Michael Panek
Ameritech
Room 4H84
2000 West Ameritech Center Drive
Hoffman Estates, IL 60196-1025

Lon C. Levin
AMSC Subsidiary Corp.
10802 Park Ridge Boulevard
Reston, VA 22091

Bruce D. Jacobs
Glenn S. Richards
Fisher Wayland Cooper
Leader & Zaragoza
Suite 400
2001 Pennsylvania Avenue, NW
Washington, D.C. 20006

William F. Alder
Steven N. Teplitz
Fleischman & Walsh
1400 16th Street, NW
Washington D.C. 20036

Robert M. Gurss
Wilkes, Artis,, Hedrick & Lane
Suite 1100
1666 K Street, NW
Washington, D.C. 20006

James R. Hobson
Donelan, Cleary, Wood & Maser
Suite 750
1100 New York Avenue, NW
Washington, D.C. 20005

William B. Barfield
Jim O. Llewellyn
BellSouth Corporation
1155 Peachtree Street, NE
Atlanta, GA 30309-3610

Charles P. Featherstun
David G. Richards
BellSouth Corporation
Suite 900
1133 21st Street, NW
Washington, D.C. 20036

Gary O'Malley
Cable Plus
Suite 120
11400 SE 6th Street
Bellevue, WA 98004

Peter Arth, Jr.
Edward W. O'Neill
Ellen S. Levine
People of the State of
California and the Public
Utilities Commission
505 Van Ness Avenue
San Francisco, ca 94102

Michael F. Altschul
CTIA
Suite 200
1250 Connecticut Avenue, NW
Washington, D.C. 20036

Adam A. Andersen
CMT Parterns
15th Floor
651 Gateway Boulevard
South San Francisco, CA 94080

Thomas Gutierrez
Lukas, McGowan, Nace & Gutierrez
Suite 1200
1111 19th Street, NW
Washington, D.C. 20036

J.D. Hersey, Jr. Chief
Maritime Radio and Spectrum
Management
United States Coast Guard
2100 Second Street, SW
Washington, D.C. 20593-0001

Alicia A. McGlinchey
COMSAT Mobile Communications
22300 COMSAT Drive
Clarksburg, MD 20871

Robert A. Mazer
Rosenman & Colin
Suite 200
1300 19th Street, N.W.
Washington, D.C. 20036

Paul R. Schwedler
Carl W. Smith
Regulatory Counsel
Telecommunications, DoD
Defense Information Sys Agency
Code D01
701 S. Courthouse Road
Arlington, VA 22204

David C. Jatlow
Yound & Jatlow
Suite 600
2300 N. Street, NW
Washington, D.C. 20037

Danny E. Adams
Ann M. Plaza
Wiley, Rein & Fielding
1776 K Street, NW
Washington, D.C. 20006

Susan H.R. Jones
Gardner, Carton & Douglas
Suite 900, East Tower
1301 K Street, NW
Washington, D.C. 20005

Andre J. Lachance
David J. Gudino
GTE Service Corporation
Suite 1200
1850 M Street, NW
Washington, D.C. 20036

B.J. Smith
911 Emergency Telephone
Operations
Hillsborough County, Office
of the County Administrator
P.O. Box 1110
Tampa, FL 33601

Robert S. Koppel
Richard S. Whitt
IDB Mobile Communications, Inc.
Suite 460
15245 Shady Grove Road
Rockville, MD 20850

Brian R. Moir
Moir & Hardman
Suite 512
2000 L Street, NW
Washington, D.C. 20036-4907

S.A. Penington, Chairman
Interagency Committee
on Search & Rescue
United State Coast Guard
2100 Second Street., NW
Washington, D.C. 20593-0001

Charles J. Hinkle, Jr.
KSI Inc.
Suite 212
7630 Little River Turnpike
Annandale, VA 22003

Paul C. Besozzi
Mitchell D. Cary
Suite 200
1901 L Street, NW
Washington, D.C. 20036

Thomas H. Bugbee
Bruce Malt
Regulatory Affairs
Telecommunications Branch
Information Technology Services
P.O. Box 2231
Downey, CA 90242

Larry A. Blosser
Donald J. Elardo
MCI Telecommunications Corp.
1801 Pennsylvania Avenue, NW
Washington, D.C. 20006

Michard D. Kennedy
Michael A. Menius
Motorola, Inc.
Suite 400
1350 I Street, NW
Washington, D.C. 20005

Paul Rodgers
Charles D. Gray
James Bradford Ramsay
NARUC
1102 ICC Building
P.O. Box 684
Washington, D.C. 20044

George N. Rover
Deputy Attorney General
AOG/Legal Affairs
State of New Jersey
Hughes Justice Complex
CN 080
Trenton, N.J. 08625-0080

Albert H. Kramer
Robert F. Aldrich
Keck, Mahin & Cate
Penthouse Suite
1201 New York Avenue, NW
Washington, D.C. 20005-3919

Lyle V. Gallagher
State 911 Coordinator
Emergency Services Communication
System Advisory Committee
P.O. Box 5511
Bismarck, N.D. 58502-5511

Stephen L. Goodman
Halprin, Temple & Goodman
Suite 650 East
1100 New York Avenue, NW
Washington, D.C. 20005

John G. Lamb
Northern Telecom, Inc.
2100 Lakeside Boulevard
Richardson, TX 75081-1599

Edward R. Wholl
Jacqueline E. Holmes Nethersole
NYNEX Companies
120 Bloomingdale Road
White Plains, NY 10605

Lisa M. Zaina
OPASTCO
Suite 700
21 Dupont Circle, NW
Washington, DC 20036

David C. Yandell
Technology and Operations
Section, Emergency Management
Division, Oregon State Police
595 Cottage Street, NE
Salem, OR 97310

James P. Tuthill
Betsy Stover Granger
Pacific Bell
Room 1525
140 New Montgomery Street
San Francisco, CA 94105

Mark J. Golden
Personal Communication Industry
Association
Suite 1100
1019 19th Street, NW
Washington, D.C. 20036

Michael J. Celeski
Pertech America, Inc.
One Illinois Center
Suite 500
111 East Wacker Driver
Chicago, IL 60601

Mary A. Boyd
JEM Co-Chair
Texas Emergency Communications
Commission
1101 Capital of TX Hghwy, South
Austin, TX 78749

Gary Jones
Jem Co-Chair
Omnipoint Corporation
1365 Garden of the Gods Road
Colorado Springs, CO 80907

O.C. Lee
Proctor & Associates
15050 Northeast 36th
Redmond, WA 98052-5317

Jerome S. Caplan
Redcom Laboratories, Inc.
One Redcom Center
Victor, NY 14564-0995

David L. Jones
Rural Cellular Association
Suite 520
2120 L Street, NW
Washington, D.C. 20037

James D. Ellis
Mary Marks
SBC Communications, Inc.
Suite 1306
175 E. Houston
San Antonio, TX 78205

Wayne Watts
Bruce E. Beard
Southwestern Bell Mobile Systems
Suite 100A
17330 Preston Road
Dallas, TX 75252

Jean L. Kiddoo
Shelley L. Spencer
Swidler & Berlin
Suite 300
30000 K Street, NW
Washington, D.C. 20007

Peter J. Tyrrell
Springwich Cellular L.P.
Room 1021
227 Church Street
New Haven, CT 06510

Leonard Schuchman
Systems Intergration Group
Standford Telecom
1761 Business Center Drive
Reston, VA 22090

Raul R. Rodriguez
Stephen D. Baruch
Leventhal, Senter & Lerman
Suite 600
2000 K Street, NW
Washington, D.C. 20006

Alfred Sonnenstrahl
Telecommunications for the Deaf
Suite 300
8710 Colesville Road
Silver Spring, MD 20910

R. Michael Senkowski
Jeffrey S. Linder
Ilene T. Weinreich
Wiley, Rein & Fielding
1776 K Street, NW
Washington, DC 20006

Dan Bart
Eric Schimmel
Ron Angner
Jese Russell
TIA
Suite 300
2500 Wilson Boulevard
Arlington, VA 22201

Michael J. Miller
Telident, Inc.
Suite 101
4510 West 77th Street
Annapolis, MN 55435

David Kelley
Terrapin Corp.
11958 Monrach Street
Garden Grove, CA 92641

Scott A. Sawyer
Assistant Attorney General
Consumer Protection Division
Public Agency Representation
P.O. Box 12548
Capitol Station
Austin, TX 79711-2548

Norman P. Leventhal
Stephen D. Baruch
David S. Keir
J. Breck Blalock
Leventhal, Senter & Lerman
Suite 600
2000 K Street, NW
Washington, D.C. 20006

Jeffrey S. Bork
U S West
Suite 700
1020 19th Street, NW
Washington, D.C. 20036

Jeffrey L. Sheldon
Thomas E. Goode
UTC
Suite 1140
1140 Connecticut Avenue, NW
Washington, D.C. 20036

Arthur A. Butler
Sara Siegler-Miller
Ater Wynne Hewitt Dodson
& Skerritt
Suite 5450
601 Union Street
Seattle, WA 98101-2327

Robert G. Oenning
State of Washington
Statewide E911 Program
1417 - 6th Avenue SE
P.O. Box 48346
Olympia, WA 98504-8346

Martin W. Bercovici
Keller & Heckman
Suite 500W
1001 G Street, NW
Washington, D.C. 20001-4545

James Carlsen
Westinghouse Electric Corp.
Electronic Systems Group
P.O. Box 746 - MS A475
Baltimore, MD 21203

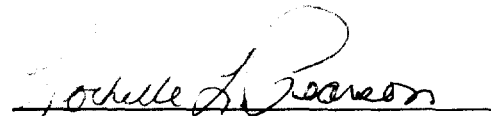
ITS, Inc.
Suite 246
1919 M Street, NW
Washington, D.C. 20554

William T. Bradfield
Tendler Cellular
65 Atlantic Avenue
Boston, MA 02110

Lorri An Ericson
Puyallup City Communications
1531 39th Avenue, SE
Puyallup, WA 98374

Michael L. King
Anacortes Police Department
1011 12th Street
Anacortes, WA 98221

Betsy L. Anderson
8th Floor
1320 N. Courth House Road
Arlington, VA 22201


Rochelle L. Pearson